



WALKUP, MELODIA
KELLY + SCHOENBERGER

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November 17, 2023

Hon. Charles R. Breyer
USDC Northern Dist. of California
450 Golden Gate Avenue
San Francisco, CA 94102

**Re: *In re: Uber Technologies, Passenger Sexual Assault Litigation*
MDL No. 3084 CRB**

Your Honor:

Please accept this application for the Plaintiffs' Steering Committee in the above-captioned MDL.

1. Professional Experience with this Type of Litigation/MDLs

Please accept this application for the Plaintiffs' Steering Committee in the Uber sexual assault litigation, MDL No. 3084 CRB.

I have relevant subject matter expertise and leadership experience that I believe would be of service to plaintiffs and the Court in achieving efficient, orderly, and just resolution of common issues.

With respect to subject matter expertise, I first filed a sexual assault case against Uber in 2017, when those cases were relatively uncommon. My work was featured at the time in the Stanford Lawyer article, *The Sharing Economy: Can the Law Keep Pace with Innovation?* More recently, along with others of my partners, I sued Uber in the Northern District of California (Case No. 3:19-cv-03310) for vicious sexual crimes committed by a former driver who continued using his Uber-branded decals to pose as one of their drivers. We took a number of 30b6 depositions, and received access to Uber's key policies and algorithms key. So far as I am aware, we gained more insight into Uber's negligence, and came closer to trial, than in any other sexual assault case against Uber. We had already completed expert depositions when, due to a recent California appellate decision in which California's second district panel disagreed with Judge Corley's 12b6 ruling, Judge Corley granted summary judgment to Uber. Earlier this week, I

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personally presented oral argument to the Ninth Circuit on behalf of Jane Doe in that case.

I have taught a number of relevant legal education (CLE) classes including two CLEs regarding transportation network companies for Consumer Attorneys of California (CAOC), a CLE on course and scope of employment for the San Francisco Trial Lawyers Association (SFTLA), a course on the effect of Prop 22 for SFTLA, and a talk on “rideshare” litigation for Consumer Attorneys Association of Los Angeles (CAALA).

With respect to MDL leadership experience, I have not held a titular leadership role in an MDL or JCCP. However, I have exercised de facto leadership in the MDL case In re: Paraquat Products Liability Litigation, Case No. 3:21-md-3004-NJR MDL No. 3004, venued in the Southern District of Illinois before the Honorable Nancy J. Rostenstengel. My law partner Khaldoun Baghdadi is a co-lead in that MDL. I have worked closely with Khaldoun throughout that litigation. I served as a leader of the expert committee and personally worked with, facilitated the reports of, and defended at deposition four of the plaintiffs’ liability experts. I also took expert and percipient depositions on behalf of the plaintiffs. I led the Daubert and summary judgment briefing efforts, including oppositions to three (3) summary judgment motions in the JCCP, one (1) summary judgment motion in the MDL, seven (7) affirmative Daubert challenges (and reply briefs) in the MDL, nine (9) affirmative Sargon challenges (and reply briefs) in the JCCP, nine (9) Daubert oppositions in the MDL, and nine (9) Sargon oppositions in the JCCP. All this briefing, which involved complex scientific topics including herbicidal properties, causation of Parkinson’s disease, and chemical reactions in the brain, took place in a space of four months. In total, I supervised a group of over fifteen lawyers who participated in the research and writing. And I personally wrote or heavily edited over 1,000 pages of briefing in that four-month span. I also argued three of the Daubert motions.

2. Judicial Contact Information

Judge Nancy Rosenstengel’s chambers phone number is (618) 482-9172. Her email address is NJRpd@ilsd.uscourts.gov.

3. Willingness and Availability to Commit Time to this Litigation

I am prepared and able to commit substantial time to this litigation. In fact, since learning of the litigation, I have begun working with Marlene

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Goldenberg and Sarah London to conduct a 50-state survey of statutes, regulations, and common law principles to better understand relevant overlap and dissimilarities.

4. Willingness and Ability to Work Cooperatively with Other Counsel

Since this MDL was established, the individuals listed on Exhibit A, attached, have been collaborating together, and working cohesively, on procedural and substantive issues. I support, and enjoy the support of, the other applicants on this list for a leadership role on behalf of the plaintiffs in this litigation.

I have been participating in the weekly meetings with this group, and brainstorming ways to effectively “land the plane” in a case of this importance and magnitude.

5. Resources Available to Prosecute this Litigation in a Timely Manner

I understand that representing the plaintiffs in this litigation will require significant financial resources, as well as a significant allocation of time on behalf of a larger team of attorneys and staff at Walkup. We are prepared to meet those obligations. Our firm of twenty-two attorneys, ten of whom are my partners, is adequately capitalized and prepared to staff and finance this matter through to resolution.

Thank you for your consideration.

Very truly yours,



SARA M. PETERS

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Attachments